

LORDS AMENDMENTS

TO THE

LAND LAW (IRELAND) BILL.

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N.B.—*Pages and lines refer to the Bill (226.) as first printed by the Lords.*

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*Page 1.*

Line 8, leave out subsection (1.) and insert:

(1.) Where the court fix a fair rent for a holding, the court shall ascertain and record in the form of a schedule, unless both landlord and tenant shall otherwise request—

- (a) the annual sum which should be the fair rent of the holding on the assumption that all improvements thereon were made or acquired by the landlord;
- (b) the condition as to cultivation, deterioration, or otherwise of the holding and the buildings thereon;
- (c) the improvements made wholly or partly by the tenant or at his cost, and with respect to each such improvement—
  - (i) the nature, character, and present capital value thereof, and the increased letting value due thereto;
  - (ii) the date (so near as can be ascertained) at which the same was made; and
  - (iii) the deduction from the rent made on account thereof;
- (d) the extent (if any) to which the landlord has paid or compensated the tenant in respect of each such improvement;
- (e) the improvements made wholly or partly by or at the cost of, or acquired by, the landlord;
- (f) such other matters in relation to the holding as may have been taken into account in fixing the fair rent thereof, or as may be prescribed; and
- (g) the fair rent of the holding;

and the said schedule shall be in the form set out in the First Schedule to this Act, or in such other form as may be prescribed,

[Bill 340.]

and a certified copy of the record shall on the prescribed application be sent by post to each party, and the record shall be admissible in evidence on its mere production from the proper custody.

*Page 2.*

Line 18, after ("Acts") insert ("as amended by this Act")

Line 17, after ("Acts") insert ("as amended by this Act")

*Page 3.*

Line 4, after ("expressed") insert :

(8.) No deduction shall be made from the fair rent named in this section by reason of the mere right of occupation vested in the tenant.

Line 5, leave out ("one")

Line 6, after ("1870") insert ("and subsection (1.) of the same section in the case of sales after the passing of the Landlord and Tenant (Ireland) Act, 1870")

After clause 1 insert clause (A.):

(A.) Any enactment prohibiting the resumption of a holding or part of a holding until the expiration of the first statutory term in a tenancy shall apply only where the term began before the commencement of this Act.

Line 37, after ("representatives") insert ("Provided that where the judicial rent does not exceed fifty pounds a year, the amount of any deduction made by the tenant may be recovered from the person to whom the difference was paid or his personal representatives")

*Page 4.*

Line 2, leave out from ("day") to the end of the clause and insert ("next after the day on which the Land Law (Ireland) Act, 1881, came into force, be held for the purpose of an application to fix a fair rent to date from that gale day")

Line 25, leave out ("one hundred") and insert ("fifty")

Line 38, leave out ("unless") and insert ("until")

Lines 39 and 40, leave out ("during the continuance of the tenancy")

*Page 5.*

Lines 6 and 7, leave out ("may if it think just")

Line 8, after ("common") insert ("may if it think that it is just")

Line 9, after ("occupied") insert ("Provided that such order  
 " fixing a fair rent shall not have the effect of increasing  
 " the liability of the landlord for rates or taxes in respect of  
 " the holding, and such order shall not be made if the court  
 " are of opinion that the interests of the landlord in the  
 " holding will be injuriously affected thereby, otherwise  
 " than by the mere fixing of a fair rent")

Leave out clause 5.

Line 27, leave out from ("person") to ("if") in line 31.

Line 33, after ("or") insert ("if it")

Line 34, after ("date") insert ("provided that the amount of  
 " land so sub-let shall not exceed one-eighth of the holding,  
 " nor one statute acre for each house or allotment, nor five  
 " acres in the aggregate")

Line 35, after ("Provided") insert ("also")

Leave out clause 8 and insert clause (B.):

(B.) Where on an application to fix the fair rent for a holding it  
 is proved to the court that the tenant of the holding, by virtue of  
 his tenancy has by the permission of the landlord been accustomed  
 to exercise any privilege over land belonging to the landlord, the  
 withholding of which privilege would materially diminish the value of  
 the holding to the tenant, the landlord shall be required to elect  
 whether he will or will not allow the tenant to exercise as of right  
 during the statutory term, under the same restrictions and  
 conditions as theretofore, or such other restrictions and conditions  
 as may be agreed on by the landlord and tenant, that which he  
 previously exercised by permission, and if the landlord consents  
 to so allow, such exercise shall be secured to the tenant by the  
 order fixing the fair rent, and if the landlord refuses to so allow, the  
 fair rent shall be fixed having regard to such refusal.

(2.) Where an order securing the exercise of any such privilege  
 is so made, the court, during the continuance of the statutory  
 term, may, upon the application of the landlord or of any other  
 tenant exercising the like privilege, restrain the tenant from  
 exercising the privilege in any manner other than that authorised  
 by the order or by any reasonable regulations of the landlord made  
 in pursuance of the order.

*Page 7.*

Line 20, leave out from ("accordingly") to the end of the  
 subsection, and insert as a new subsection :

(2.) Provided that where a fair rent has after the passing of this  
 Act been fixed for the first time in the case of a tenancy to which

this section applies, the person entitled on the said cesser to receive the rent of the holding may, within the prescribed time after becoming entitled to receive such rent, apply to the court in the prescribed manner, and the court, after giving such person and the tenant of the holding an opportunity of being heard, may proceed as follows:—

- (a) if of opinion that by reason of a fine or premium having been paid the rent was reduced, or that otherwise the fair rent fixed was unreasonable, the court may vary the fair rent; and
- (b) if of opinion that a fair rent ought not to have been fixed, the court shall declare that the said person and the tenant shall be in the same position as if this section had not been enacted.

Line 31, after ("holding") insert ("the substantial part of")

*Page 8.*

Line 15, leave out from ("decreed") to ("had") in line 16, and insert ("for possession or writ of possession")

*Page 9.*

Line 39, after ("lodged") insert ("in respect of the rent and " arrears, exclusive of costs")

*Page 10.*

Line 1, leave out from beginning of line to ("shall") in line 2, and insert ("the date of the commencement of the " proceedings in the ejectment and the balance of the rent " due to that date shall be recoverable by the landlord as if " the same were a debt due to him by the person legally " liable therefor; but")

Line 3, after ("distress") insert ("Provided, however, that " (1) nothing herein contained shall relieve the tenant from " paying or undertaking to pay costs as provided by the " said sections, and (2) that this section shall not apply to " any proceeding in ejectment in which an order has been " or shall be made under the thirtieth section of the Land " Law (Ireland) Act, 1887, nor to any arrears of rent the " subject of any such order")

Line 6, after ("manner") insert ("and subject to the " prescribed rules and conditions")

Line 18, after ("provision") insert ("in the agreement")

Line 24, after (" same ") insert :

(4.) The said conditions shall, in the case of an agreement made by a limited owner or a mortgagor or mortgagee in possession, include such conditions as may seem necessary to protect the interests of the person entitled on the cesser of the interest or possession of such limited owner, mortgagor, or mortgagee.

Line 83, leave out from (" be ") to the end of the clause and insert (" a sale within the meaning of section one of the " Land Law (Ireland) Act, 1881, but the provisions of the " several subsections thereof other than subsection (6) shall " not apply thereto ")

*Page 11.*

Lines 11 and 12, leave out (" which shall be granted only on " special grounds ")

*Page 14.*

Line 42, leave out from (" amount ") to (" shall ") in page 15, line 1, and insert (" thereof as altered by this section ")

*Page 15.*

Line 10, leave out (" persons ") and insert (" person ")

Line 12, after (" 1891 ") insert (" or the Redemption of Rent " (Ireland) Act, 1891 ")

Line 16, after (" 1891 ") insert (" or the Redemption of Rent " (Ireland) Act, 1891 ")

Lines 28 and 29, leave out (" or persons personally ") and insert (" beneficially ")

Line 30, leave out subsections (1) to (8) of clause 30 and insert :

—(1) Where any land has been sold under the Land Purchase Acts, as amended by this Act, or where a lessor or grantor has signified his consent to the Redemption of Rent (Ireland) Act, 1891, the sale of such land, or the sale consequent on the lodgment of such consent, as the case may be, shall be made discharged from all superior interests as defined by this section or from any of them, and in every such case the land shall be vested accordingly in the purchaser in fee-simple, and such superior interests, or the value thereof, shall become a lien upon and to be redeemed or satisfied out of the purchase money of such land.

A 3

Extinguish-  
ment of  
superior  
interests.

(2.) A vesting order shall be subject to such exceptions and reservations as are specified in the order if they were contained in the agreement for purchase or subsequently agreed to by the vendor and purchaser, and have been approved by the Land Commission, and the Land Commission are satisfied that the effect of such exceptions and reservations was explained to and understood by the purchaser, or the purchaser is represented by a solicitor other than the solicitor of the vendor.

(3.) The powers of apportionment given to the Land Commission by section ten of the Purchase of Land (Ireland) Act, 1885, and sections fifteen and sixteen of the Land Law (Ireland) Act, 1887, shall extend to superior interests and be exercised in such manner as shall appear equitable, and shall not be limited to an apportionment between the land sold and the residue of the land subject to the superior interest.

(4.) The price or compensation to be paid in respect of a superior interest, or of any apportioned part thereof, shall be determined in the manner provided by the said sections for the redemption of annuities, rentcharges, and rents: Provided that, if the court are of opinion that any such superior interest is of no appreciable value to the persons entitled thereto, the purchase money of the land may be distributed without regard to such superior interest.

(5.) If a superior interest, or the benefit arising thereunder, is settled land within the meaning of the Settled Land Acts, 1882 to 1890, the person who constitutes the tenant for life, or who has the powers of a tenant for life under those Acts, shall have power to enter into any consent in relation to the sale being made discharged from such superior interest, and to the redemption or satisfaction of the same out of the purchase money.

(6.) Where a superior interest is subject to an incumbrance as defined by the Land Law (Ireland) Act, 1887, the court shall, for the purpose of distribution of the price or compensation payable in respect of such superior interest, have the same powers as if such incumbrance had been charged directly upon the land sold.

(7.) The expression "superior interest" shall include any rent, rentcharge, annuity, fees, duties, or services payable or to be rendered in respect of the land sold to any person, including Her Majesty and Her successors, and any estates, exceptions, reservations, covenants, conditions, or agreements contained in any fee-farm grant, or other conveyance in fee, or lease under which such land is held, and, if such land is held under a lease for lives or

years renewable for ever, or for a term of years of which not less than sixty are unexpired at the date of the sale, shall include any reversion or estate expectant on the determination of such lease or expiration of such term, and notwithstanding that such reversion or estate may be vested in Her Majesty and Her successors.

(8.) Nothing in this section shall affect the rights of the public or of any class of the public in respect of the land sold, or the rights of any person or persons in respect of the waters of any stream or watercourse or of any right of way.

*Page 17.*

Line 32, leave out from ("any") to ("the") in line 33, and insert ("requisition as to title the making of which by a purchaser would be prevented by")

Line 39, leave out (into the high court")

*Page 18.*

Line 5, leave out ("of the fee-simple")

Line 9, after ("register") insert ("save that the jurisdiction of the court for the purposes of this Act, shall be exercised by the Land Commission")

Line 13, leave out ("paid into the High Court under this Act")

Line 18, leave out from ("if") to ("were") in line 19, and insert ("the money")

Line 20, leave out subsection (2).

Line 28, leave out ("High")

Line 30, leave out ("High")

Line 35, after ("liability") insert as a fresh subsection—

(5.) Where any liability for any annuity, rentcharge, or rent is apportioned and redeemed out of the purchase money, and a right of indemnity in respect of such liability exists, the person entitled to the purchase money shall be entitled to the proportion of the annuity, rentcharge, or rent so redeemed, in like manner as if he had purchased the same, and the court, after due notice to all persons interested, shall make provision as to the future payment of such portion of the annuity, rentcharge, or rent so purchased,

and as to the land to be liable thereto, and such other provisions as appear to the Court necessary for carrying into effect this enactment.

*Page 19.*

Line 7, after ("effect") insert—

(3.) This section shall extend to any sale or declaration of title made by the Land Judge in pursuance of the Landed Estates Court (Ireland) Act, 1858, in like manner as if it were herein re-enacted with the necessary modifications.

Line 9, leave out from ("and") to ("discharged") in line 12, and insert ("is lodged with the Land Commission, the " purchaser shall, in the event of the sale being carried " out, be")

Line 16, after ("rent") insert ("and arrears")

Line 23, after ("shall") insert ("as respects the period sub-  
" sequent to the date of the advance be applied in payment  
" of the interest due under section twenty of the Land Law  
" (Ireland) Act, 1887, and subject thereto shall")

*Page 21.*

Line 4, after ("shall") insert ("subject to the provisions of  
" section thirty of the Land Law (Ireland) Act, 1881")

Line 34, leave out ("and") and insert ("discharged from")

*Page 22.*

Line 22, after ("mentioned") insert :

(e.) Subject to the prescribed rules any person aggrieved by any order of the land judge made under this section may apply to the Court of Appeal to re-hear the matter, and the matter shall be re-heard accordingly.

*Page 23.*

Line 19, after ("mortgagee") insert ("in possession")

*Page 27.*

Line 11, after the first ("the") insert ("heir or"), and after ("representative") insert ("as the case may be")

*Page 28.*

Line 27, leave out ("the") and insert ("a")

Line 28, leave out ("herein") and insert ("in this Act")

Line 29, leave out from ("where") to the end of the subsection and insert ("a tenant would, if this Act had been in force at " the passing of the Land Law (Ireland) Act, 1881, be now a " present tenant, and either the landlord has not, since the " said decision, resumed possession of the holding, or if he " resumed the tenant has redemeed, the tenant shall be " deemed a present tenant for the purpose of any such " application")

*Page 29.*

Line 11, after ("Acts") insert ("The provisions of Part III. " of this Act with respect to superior interests and a vesting " order shall not, without the consent of the vendor and " purchaser, apply to proceedings in respect of any agree- " ment made before the commencement of this Act")

Line 19, after ("in the") insert ("second")

*Page 30.*

Insert the following schedule:—

### FIRST SCHEDULE.

#### FORM OF SCHEDULE FOR RECORD.

Particulars of Holding taken into consideration in fixing the Judicial Rent.  
*No. of Ordnance Sheet.*

County	Tenant
Record No.	Landlord
Date upon which holding inspected	day of
Who attended inspection on behalf of Landlord?	189
Do. on behalf of Tenant?	

1. Character of holding:—

The land in a holding may be all of uniform character, or it may consist of two or more of the qualities of land indicated in the following Schedule, which should be carefully filled up according to the facts. The acreage of each class of land found in the holding should be set out in the column given for the purpose, and this area should be marked off with a blue coloured line on the Ordnance Survey Map of the holding, and also marked with the letter or letters corresponding with some in the Schedule. These areas should be stated with as near an approach to accuracy as under the circumstances is possible. The record number of the holding should in each case be marked on the Map, and where more than one holding is marked on the Map a Schedule of holdings with the record numbers, and tenant's name, is to be written on the right hand margin on the Map. *The exterior boundaries of each holding must be carefully marked on the Map, with a red coloured line.*

## (1.) SCHEDULE of Classes of Land.

		Area in Statute Measure.			Fair Rent per Acre (excluding Buildings), on the assumption that all Improvements thereon were made or acquired by the Landlord.		
Gross Lands:		A.	B.	C.	D.	E.	F.
A 1st class	-	-	-	-	-	-	-
B 2nd class	-	-	-	-	-	-	-
C 3rd class	-	-	-	-	-	-	-
D 4th class	-	-	-	-	-	-	-
E 5th class, mountain and unclaimed bog	-	-	-	-	-	-	-
F 1st class, permanent meadow	-	-	-	-	-	-	-
G 2nd class, permanent meadow	-	-	-	-	-	-	-
<i>Land in tillage or worked in rotation, including parks or meadows of a temporary character:</i>							
H 1st class	-	-	-	-	-	-	-
I 2nd class	-	-	-	-	-	-	-
K 3rd class	-	-	-	-	-	-	-
L 4th class, reclaimed mountain or bog	-	-	-	-	-	-	-
X waste (description)	-	-	-	-	-	-	-
Total area -		-	-	-	-	-	-

2. For what description of stock is the grass land best suited?

3. Carrying power in sums or collops of grass land, stating the months during which the season usually continues, and how hay is provided?

4. How is the holding used?

5. The condition as to cultivation, deterioration or otherwise of the holding and the buildings thereon. Does the soil show traces of improvement or of deterioration, and to whom is the improvement or deterioration to be attributed?

6. Does the holding or any part of it require to be drained, and if so, how much of the holding? Mark part requiring drainage on map by thin parallel black lines.

7. IMPROVEMENTS: Proved in Court (excluding buildings) whether made by landlord or tenant, which are at present a *bond fide* benefit and suitable to the holding and are found to exist on inspection, to be stated in detail, together with the nature, character, and present capital value thereof, and the increased letting value due thereto, and the date, so near as can be ascertained, at which the same were made, and the deduction from rent made.

8. BUILDINGS: If tenants state so, if landlord's specify particulars of same, the date, so near as can be ascertained, at which they were made, state fair annual value, whether they have been kept in repair, and by whom, and any deduction from rent made on account thereof, and the extent (if any) to which the landlord has paid or compensated the tenant in respect thereof made on account thereof.

Improvements under this head shall be distinguished according as—

- (a) they have been made wholly or partly by or at the cost of the tenant; and
- (b) the landlord has paid or compensated the tenant in respect thereof.

9. SITUATION: As to markets, railways, and county roads.

10. What per centage (if any) has been added for proximity, or what (if any) has been deducted in consequence of remote position?

11. Give particulars of any right of turbary, commonage, mountain grazing, or seaweed—and state whether turbary is inside or outside holding, what amount has been added for any of those appurtenances.

12. LOCAL RATES—

Average poor rate in 1L.  
" county cess in 1L.

13. Special incidents of holding, such as aspect, elevation, and water supply, and general observations.

To be signed by Lay Assistant-Commissioners  
189

day of

[340.]

0

14. The following improvements included in enumeration in paragraph No. 7 were made or acquired by the tenant or his predecessors in title, and are exempted from rent.

15. For what rights (if any) referred to in answers to query No. 11 has an addition been made to the rent?

16. Upon what assumption with regard to the respective liabilities of landlord and tenant as to rates and taxes mentioned in answers to query No. 12, has the judicial rent been fixed?

To be signed by Legal and Lay Assistant-Commissioners.

17. The annual sum which should be the fair rent of the holding on the assumption that all improvements thereon were made or acquired by the landlord.

18. The fair rent of the holding.

19. If tenancy has been purchased since the Land Act, 1870, give date and amount of purchase money on each sale.

20. What changes of rent have been proved in evidence?

To be signed by Legal Assistant Commissioner alone.

*Page 30.*

Line 2, leave out ("First") and insert ("Second")

Lines 5 and 6, leave out ("33 & 34 Vict. c. 46") and the rest of those lines.

Line 13, leave out ("of") and insert ("for")

Line 23, after ("occurs") insert ("and from 'and shall pay' down to 'receive the same'")

Line 34, leave out ("section eight")

Line 35, after ("nine") insert ("subsections one and two")

Leave out lines 36 to 38.

Lines 44 and 45, leave out ("any less number of the Land Commission") and insert ("with the said additional Commissioners")

*Page 31.*

Leave out lines 7 to 16.

Leave out lines 20 and 21.

Line 24, after ("three") insert (" save as regards agreements  
" for purchase made before the passing of this Act")

Line 29, after ("seven") insert (" from 'and an annual  
" sum' to end of section")

Line 30, leave out from ("any") to ("commencement") in  
line 31, and insert ("purchaser's insurance money paid  
" before")

Line 32, leave out ("in section nine subsection three")

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LODGE AMENDMENTS

TO THE

LAND LAW (IRELAND) BILL.

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